

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL HUFTILE,

Plaintiff,

No. CIV S-03-0585 DFL PAN P

vs.

VAL G. FARMER,

Defendant.

ORDER

\_\_\_\_\_/

Plaintiff, a civil detainee under California's Sexually Violent Predator (SVP) Act proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.


On February 10, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. On March 6, 2006, plaintiff filed a motion for a temporary stay of these proceedings pending disposition of a petition for writ of certiorari that he has filed in the United States Supreme Court in another action.

////

1 The court has reviewed the file and finds the findings and recommendations to be  
2 supported by the record and by the magistrate judge's analysis, with one exception. The court  
3 finds that the magistrate judge's recommendation of abstention is not well supported and that the  
4 reasons given for abstention are more properly considered reasons for the denial of injunctive  
5 relief. The court further finds a stay of this action unwarranted. Accordingly, IT IS HEREBY  
6 ORDERED that:

- 7 1. Plaintiff's March 6, 2006 motion for temporary stay is denied.
- 8 2. The findings and recommendations filed February 10, 2006 are adopted in full.
- 9 3. Defendant's August 19, 2005 motion to dismiss and for summary judgment is  
10 granted.
- 11 4. Plaintiff's claims for damages and declaratory relief are dismissed for failure to  
12 state a claim. See Heck v. Humphrey, 512 U.S. 477 (1994).
- 13 5. Summary judgment is entered for defendant Farmer on plaintiff's claims for  
14 injunctive relief based on breach of psychotherapist-patient privilege.
- 15 6. Summary judgment is entered for defendant Farmer on plaintiff's claim for  
16 injunctive relief prohibiting Farmer from conspiring with state agents in the future to fabricate  
17 evidence plaintiff has a mental disorder.
- 18 7. Plaintiff's June 8, 2005 motion for preliminary injunction is denied.

19 DATED: March 17, 2006.

20  
21   
22 \_\_\_\_\_  
23 DAVID F. LEVI  
24 United States District Judge  
25  
26